

STATEMENT OF PURPOSE

RS22858

This bill establishes privacy standards for, and definitions of biometric data collected by private entities. Some private businesses are obtaining, analyzing, and transferring private biometric information. This bill requires safeguards for data that is collected, by requiring written notice to the subject, and obtaining written consent to collect such data. It informs the subject of the specific purpose of the data collection. No private entity may sell, trade, or transfer or profit from the transfer of private biometric data. No private entity may disclose or copy, transfer private biometric data unless the subject consents to the disclosure, and such information is necessary for a contractual transaction, is required by law, or is required by a warrant.

A private entity in possession of private biometric data must store the data securely by employing a reasonable standard of care. The bill further provides for a right of action for damages in the event of breach of these protections for a minimum of \$1,000 or actual damages, plus reasonable attorney's fees and costs. This act does not apply to the admission of evidence in Court, nor the storage or retention of medical records mandated by any state or federal law.

FISCAL NOTE

There is no impact to the general fund. There is no fiscal impact to any local unit of government, as they are not known to collect biometric identifiers. The scope of the legislation covers the collection and retention of biometric information by private entities, not by government.

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